

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No.: 21 MC 102
21 MC 103 (AKH)

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IN RE: LOWER MANHATTAN
DISASTER SITE LITIGATION

Docket No.: (See attached
Schedule A)

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THIS DOCUMENT APPLIES TO ALL CASES LISTED
ON THE ATTACHED SCHEDULE A

This Order relates to claims
against Merrill Lynch, Brookfield
and Battery Park City *only* in all
cases listed on Schedule A

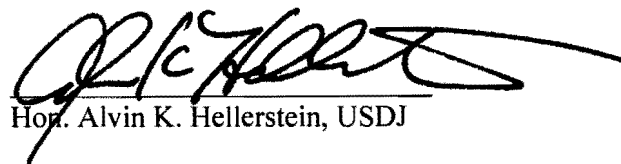
ALVIN K. HELLERSTEIN, U.S.D.J.:

ORDER

This Order relates to the Plaintiffs listed on the attached Schedule A, and defendants Merrill Lynch & Co., Inc., 222 Broadway, LLC and CAP, Inc. (collectively "Merrill Lynch"), Brookfield Financial Properties, Inc., Brookfield Financial Properties, L.P., WFP Tower B Co. L.P., WFP Tower B Co. GP Corp., WFP Tower D Co. L.P., WFP Tower D Co. GP Corp., and WFP Retail Co. L.P. (collectively "Brookfield") and Battery Park City Authority ("BPCA") in these actions, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of this action, the matters (a) listed on Schedule A be and the same are hereby dismissed *with prejudice* pursuant to Federal Rule of Civil Procedure 41(a)(2) as against the above-named Merrill Lynch, Brookfield and BPCA parties and without costs to any party with respect to all claims that could have been brought in relation to (i) the existing pleadings of the Plaintiffs and (ii) a second injury to the extent permitted by New York State law by reason of the so-called "two-injury rule".

Dated: March 22, 2011

SO-ORDERED:


Hon. Alvin K. Hellerstein, USDJ

SCHEDULE A

Plaintiff	Civil Action No.
Mulhern, Richard	04CV09081
Barbosa, Virginia	06CV01649
Kwasniak, Boguslaw	07CV05300
Iwanczyk, Wladyslaw	07CV05362
Polo, Jose	05CV01418
Demko, Wieslaw	06CV01032
Drozd, Stanislaw	06CV14620
Jalil, Julio	07CV04476
Peski, Slawomir	08CV02688